



PLANNING COMMISSION AGENDA REPORT

VI. 2

MEETING DATE: MARCH 10, 2008

ITEM NUMBER:

SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION- CITY OF COSTA MESA'S VACATION OF A PORTION OF ALLEY NO. 62 EXCESS RIGHT-OF-WAY BETWEEN ORANGE AVENUE AND NEWPORT BOULEVARD

DATE: FEBRUARY 27, 2008

**FOR FURTHER INFORMATION CONTACT: LISA DUSI, PLANNING INTERN
(714) 754-5245**

DESCRIPTION

The City of Costa Mesa is proposing to vacate a portion of Alley No. 62 right-of-way between Alley No. 61 and Newport Boulevard. Pursuant to State Government Code Section 65402, the Planning Commission must find the vacation of this property to be in conformance with the 2000 General Plan.

RECOMMENDATION

Adopt attached resolution finding that the proposed vacation of the subject right-of-way is in conformance with the City of Costa Mesa 2000 General Plan.

Lisa Dusi
Planning Intern

Kimberly Brandt, AICP
Asst. Development Services Director

ANALYSIS

Pursuant to State Government Code Section 65402 the City cannot vacate public right-of-way until the Planning Commission determines the proposed action conforms with the General Plan.

Adjacent property owners of the subject alley voiced concerns pertaining to the dangerous conditions due to the alley being used as an unsafe "short cut" between Newport Boulevard and Orange Avenue. In response to the concerns, bollards (blockades) were installed in the midpoint of Alley No. 62 to prevent through traffic in March of 2004.

The subject portion of the alley is currently 17.5 feet wide and is not required for any ingress and egress purposes to private property. After the proposed vacation is approved and recorded, the subject vacated property will revert back to the adjacent property owners.

Staff has found the proposed vacation of Alley No. 62 right-of-way between Alley No. 61 and Newport Boulevard in compliance with the 2000 General Plan for the following reasons:

- Subject right-of-way serves no public street or highway purpose. The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions and determined to be unnecessary for public street and highway purposes.
- Future public utilities are not planned. There are existing underground and overhead utilities that run the length of the alley. It is intended that Alley No. 62 be vacated for street and highway purposes and a public utility easement be retained over the subject area for access and maintenance of utilities. Until the Engineering Division receives confirmation from all utility companies, the City will include a reservation for a public utility easement, pursuant to Section 8330 of the Street and Highways Code.
- Proposed action conforms to General Plan Goal LU-2. As described in the Land Use Element, it is the City's goal to create and maintain an aesthetically pleasing and functional environment and minimize impacts on existing physical and social resources. Given that the proposed action will not result in any adverse impacts to surrounding land uses, public utilities or the transportation network, it is in conformance with the General Plan.

CONCLUSION

The City of Costa Mesa's proposal to vacate a portion of Alley No. 62 right-of-way is in conformance with the City of Costa Mesa 2000 General Plan. The Planning Commission's adoption of a General Plan conformity resolution is in compliance with State Law.

Attachments: 1. Planning Commission Resolution
 2. Correspondence from City Engineer dated 2/5/2008

cc: Deputy City Manager - Dev. Svs. Director
 Deputy Assistant City Attorney
 Public Services Director
 City Engineer
 Dennis Johnson, Assistant Engineer
 Staff (4)
 File (2)

File: 031008Alley62	Date: 022808	Time: 8:15 a.m.
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ATTACHMENT 1

RESOLUTION NO. PC-07-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT THE CITY OF COSTA MESA'S VACATION OF EXCESS RIGHT-OF-WAY OF A PORTION OF ALLEY NO. 62 BETWEEN ALLEY NO. 61 AND NEWPORT BOULEVARD IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2000 GENERAL PLAN.

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City of Costa Mesa 2000 General Plan was adopted on January 22, 2002;

WHEREAS, the California Government Code 65402, provides in part that a local agency shall not acquire, use, or dispose of any real property until the use of the property has been found in conformance with the applicable General Plan;

WHEREAS, the City of Costa Mesa 2000 General Plan indicates that the subject excess right-of-way is located of a portion of Alley No. 62 between Alley No. 61 and Newport Boulevard;

WHEREAS, the subject excess street right-of-way does not serve any public street or highway purpose;

WHEREAS, the City will include a reservation for a public utility easement pursuant to Section 8330 of the Street and Highways Code until confirmation from all utilities regarding no planned uses is received;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby find the City of Costa Mesa's proposed vacation of the excess street right-of-way is in conformance to the City of Costa Mesa 2000 General Plan.

PASSED AND ADOPTED this 10th day of March, 2008

Donn Hall, Chair
Costa Mesa Planning Commission


CITY OF COSTA MESA

Department of Public Services / Engineering

INTER OFFICE MEMORANDUM

TO: Kimberly Brandt, Assistant Dev. Svs. Dir.

FEB - 6 2008

FROM:  Ernesto Munoz, City Engineer

DATE:  February 5, 2008

SUBJECT: **PROPOSED VACATION OF A PORTION OF ALLEY NO. 62
EXCESS RIGHT-OF-WAY BETWEEN ORANGE AVENUE AND
NEWPORT BOULEVARD**

At the request of Ms. Jean Forbes Wilson and Mr. George E. Minney II, the Engineering Division is preparing to proceed with the vacation of a portion of Alley No. 62 right-of-way between Alley No. 61 and Newport Boulevard. This portion of Alley No. 62 is adjacent to Ms. Wilson's property, 1510 Old Newport Road, and Mr. Minney's property, 1500 Old Newport Road (see attached Exhibit 1).

In September 2003, Mayor Monahan met with adjacent property owners of the subject alley, who voiced numerous concerns pertaining to the dangerous conditions due to the alley being used as an unsafe "short cut" between Newport Boulevard and Orange Avenue. The dangerous conditions mentioned included excessive speeds in the alley, the alley being too narrow for cars, visibility problems at the alley entrances, and the danger to the children in the adjacent preschool along the southerly edge of the alley. The Mayor requested staff to study whether the closure or partial closure of this alley could be supported by the City. After further study by staff and correspondence with adjoining businesses and residents, the Transportation Services Division supported the closure of Alley No. 62 to through traffic at a point immediately west of the intersection of Alley No. 61 and No. 62. In March of 2004, bollards (blockades) were installed in the midpoint of Alley No. 62, which prevent through traffic to this day (see attached Exhibit 2). It was also recommended in the study, as a more practical alternative, to vacate Alley No. 62 between Alley No. 61 and Newport Boulevard.

The subject portion of the alley is currently 17.5 feet wide and is not required for any ingress and egress purposes to private property. There are existing underground and overhead utilities that run the length of the alley. It is intended that Alley No. 62 be vacated of street and highway purposes and a public utility easement be retained over the subject area for access and maintenance of the said utilities. The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions and determined to be unnecessary for public street and highway purposes. Therefore, it is recommended the proposed vacation continue to be processed and forwarded to the City Council for approval. After the proposed vacation is approved and recorded, the subject vacated property will revert back to the adjacent property owners.

It is requested that the Planning Division provide a determination of consistency with the General Plan and present the vacation of this excess right-of-way to the Planning Commission meeting of March 10, 2008. Please submit a confirmation that this request has been received and scheduled.

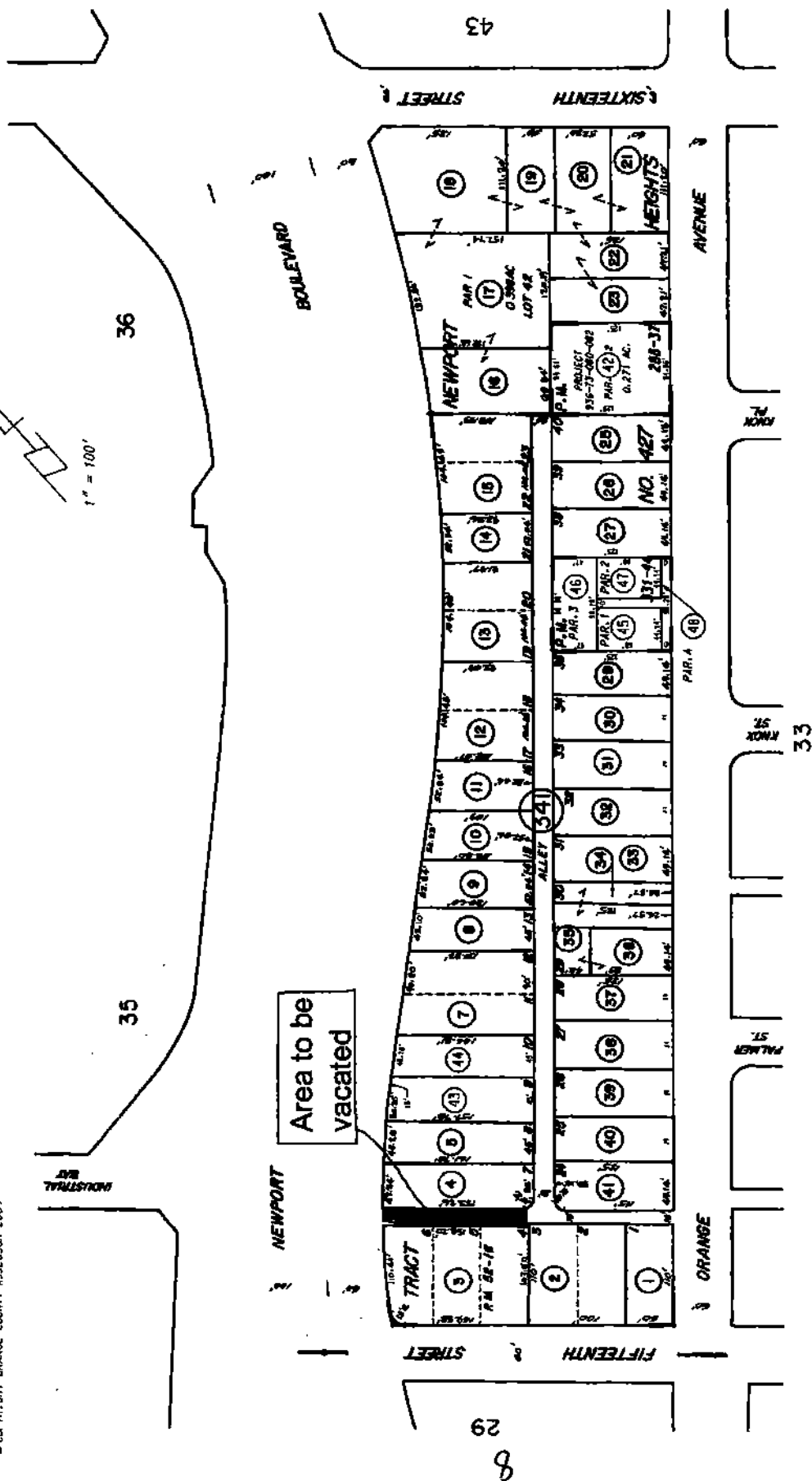
Thank you for your assistance with this project. For additional information regarding this item, please contact Brad Edwards, Engineering Technician, at extension 5066.

Attachment: Exhibit 1 - Proposed Vacation of Excess Right-Of-Way
Exhibit 2 - Bollards (Blockades)

c: Fariba Fazeli, Senior Engineer
Brad Edwards, Engineering Technician III

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MARCH 1981

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TRACT NO. 427
PARCEL MAP

M.M. 4-83
M.M. 19-18
P.M. 288-37, 331-44

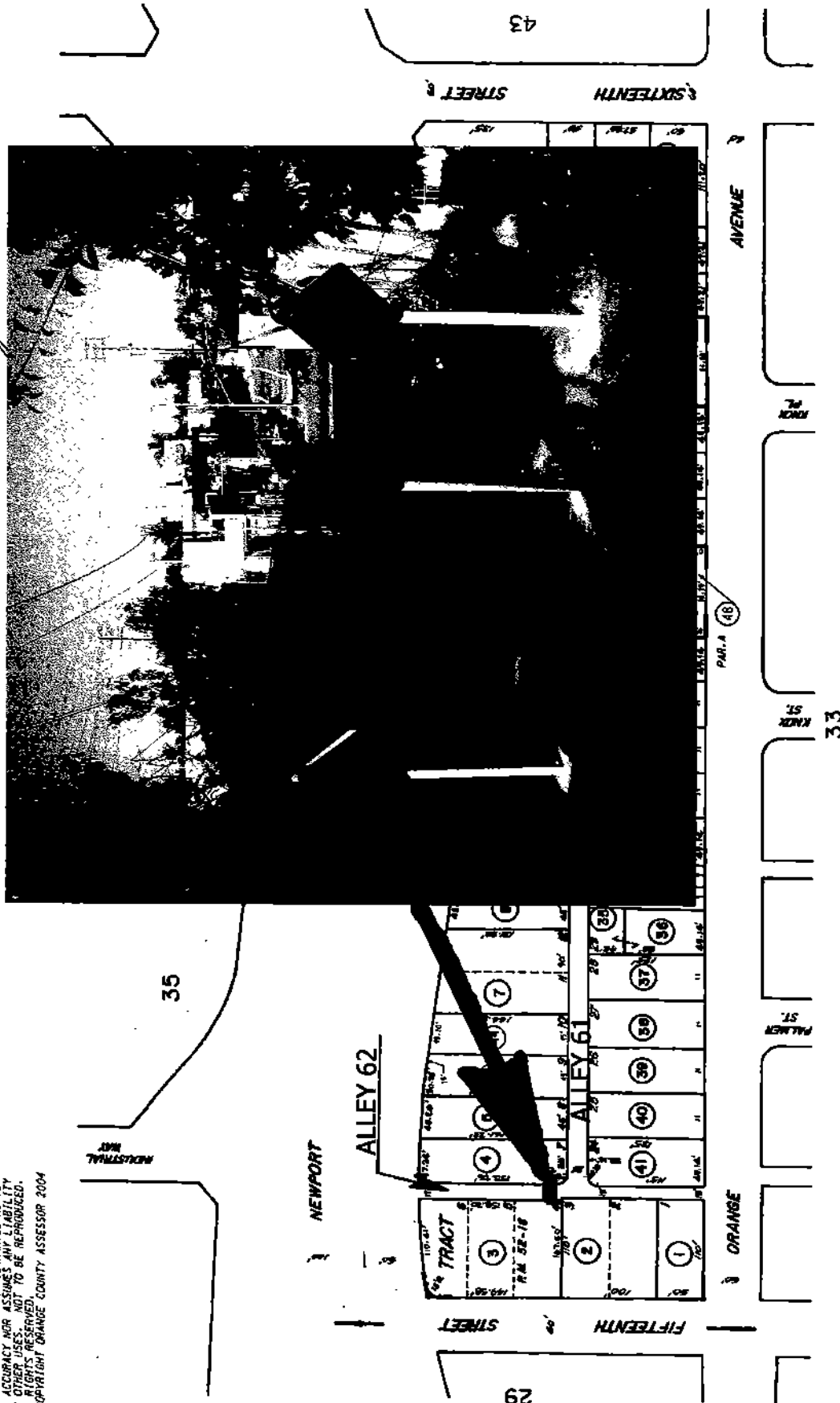
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ASSESSOR'S MAP
BOOK 425 PAGE 34
COUNTY OF ORANGE

LOCATION OF BOLLARDS

425-34

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TRACT NO. 427
PARCEL MAP

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